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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,791	07/26/2001	Jon B. Joachim	10541-066	7546

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EXAMINER

PEREZ, GUILLERMO

ART UNIT PAPER NUMBER

2834

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,791

Applicant(s)

JOACHIM, JON B.

Examiner

Guillermo Perez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 5, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakagawa et al. (U. S. Pat. 5,678,823).

Referring to claim 1, Nakagawa et al. disclose a rotor assembly for an electric device comprising:

a hub fixedly connectable to a crankshaft of an engine;

a rotor fixedly connected to the hub for operational engagement with a stator of the electric device; and

an elastomeric material (9) disposed between and interconnecting the hub (12) and the rotor (11) to provide torsional dampening.

Referring to claim 3, Nakagawa et al. disclose that the hub (12) includes an outer flange (8) and the rotor (11) is attached to the outer flange (8) with threaded fasteners (10) spaced radially about the hub (12).

Referring to claim 5, Nakagawa et al. disclose an electric device mountable to a vehicle drivetrain, wherein the drivetrain includes an engine, a crankshaft extending from within the engine on a front side, and a transmission, the electric device comprising:

- a hub (12) fixedly connectable to the crankshaft of the engine on the front side opposite the transmission;

- a stator (5) mountable to the engine independently of the crankshaft;

- a rotor (11) fixedly connected to the hub (12) and disposed within the stator (5) for operational engagement with the stator (5); and

an elastomeric material (9) disposed between and interconnecting the hub (12) and the rotor (11) to provide torsional dampening.

Referring to claim 8, Nakagawa et al. disclose that the hub (12) includes an outer flange (8) and the rotor (11) is attached to the outer flange with threaded fasteners (10) spaced radially about the hub (12).

Referring to claim 10, Nakagawa et al. disclose a drivetrain for a motor vehicle comprising:

- an engine including a crankshaft for transferring power therefrom;

a transmission coupled to the engine;

an electric device mounted to the engine opposite the transmission, the electric device including a hub (12) fixedly connected to the crankshaft, a stator (5) mounted to the engine independently of the crankshaft, a rotor (11) fixedly connected to the hub (12) and disposed within the stator (5) for operational engagement with the stator (5), and an elastomeric material (9) disposed between and interconnecting the hub (12) and the rotor (11) to provide torsional dampening.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4, 6-7, 9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. in view of Keljik (Electric Motors and Motor Controls; Jeff Keljik; 1995; Delmar Publishers; pages 139-142).

Nakagawa et al. substantially teaches the claimed invention except that it does not show that the hub is mounted onto the crankshaft by press fitting. Nakagawa et al. do not disclose that the electric machine has a first mode of operation as an electric starter for the engine, and a second mode of operation as a generator.

Keljik discloses that dynamoelectric machines have a first mode of operation as an electric starter for the engine, and a second mode of operation as a generator.

It would have been obvious at the time the invention was made to operate the machine of Nakagawa et al. as either a generator or a motor depending on the requirements of the system in which it is being used.

Referring to claims 1-14, no patentable weight has been given to the method of manufacturing limitations (i. e. press-fit) since "even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Perez whose telephone number is (703) 306-5443. The examiner can normally be reached on Monday through Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308 1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 3432 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Guillermo Perez
November 27, 2002

